

Remarks

Applicant appreciates the Examiner's attention to this application.

The Office Action objects to the specification, rejects claims 12-17 and 24-27 under 35 U.S.C. § 101, and rejects all of the claims (i.e., claims 1-27) under 35 U.S.C. § 103(a).

To overcome the objections to the specification, this response amends the specification to remove the Internet addresses that might have operated as hyperlinks. Also, to overcome the rejections under Section 101, this response amends independent claims 12 and 24 to recite a machine accessible "storage" medium, as suggested in the Office Action.

However, applicant respectfully traverses the rejections under 35 U.S.C. § 103(a).

The Office Action asserts that claims 1-27 are unpatentable over U.S. patent application publication no. 2003/0014622 to Jean-Francois Larvoire ("Larvoire") in view of U.S. patent application publication no. 2006/0190939 to Shao-Chun Chen et al. ("Chen").

In the present application, claim 1 pertains to "a firmware module" that follows "a portable executable (PE) format having subdivisions that include an MS-DOS header." Specifically, claim 1 recites the operation of "flattening the firmware module by replacing existing content within at least one field within the MS-DOS header of the firmware module with fill data that is more compressible than the existing content" (emphasis added).

The Office Action admits that Larvoire does not disclose flattening a firmware module by replacing existing content within at least one field within the MS-DOS header of the firmware modules with fill data that is more compressible than the existing content. The Office Action asserts that Chen discloses flattening a firmware module by replacing existing content within at least one field within the MS-DOS header of the firmware modules with fill data that is more compressible than the existing content. Applicant respectfully traverses that assertion.

Specifically, the Office Action asserts that paragraphs 0047 and 0048 of Chen disclose the operation of flattening a firmware module by replacing existing content within at least one field within the MS-DOS header of the firmware module with fill data that is more compressible than the existing content. However, those paragraphs say nothing about making the header of a firmware module more compressible. Instead, paragraph 0047 states that, when a file is broken and parts of the file are missing, "the missing information ... for the file may be 'padded'" with a pattern such as "all-zero" or "all-one." Thus, paragraph 0047 indicates that ones or zeros can be used to fill in missing parts of a file. Paragraph 0047 says nothing about modifying an MS-DOS header of a firmware module.

Paragraph 0048 also says nothing about modifying an MS-DOS header of a firmware module. In fact, a text search of the entire Chen publication reveals that firmware modules with MS-DOS headers are not discussed anywhere in Chen. To the contrary, Chen involves devices that use Linux (para. 0024). The string "DOS" does not appear anywhere in Chen. Moreover, Chen only uses the word "header" once, in paragraph 0050. Specifically, paragraph 0050 states that, when a file is compressed, the header of the file may include information about the compressed blocks, and problems can therefore arise if the header is missing or "broken."

The Office Action is therefore incorrect in asserting that Chen discloses flattening a firmware module by replacing existing content "within at least one field within the MS-DOS header" of the firmware modules with fill data that is more compressible than the existing content, as recited by claim 1. Consequently, even if the references were to be combined, the combination would not establish a prima facie case of obviousness for claim 1.

Also, independent claims 12, 18, 24, involve features that are the same as, or similar to, the features described above with regard to claim 1, and the dependent claims implicitly include the features of their respective parent claims. For at least the foregoing reasons, the Office Action fails to establish a prima facie case of obviousness for any of the pending claims.

In addition, the dependent claims involve additional features that are not disclosed or suggested by Larvoire and Chen. For instance, claim 4 recites the

operation of "ensuring that fill data occupies all fields within the MS-DOS header except for an Ifanew field and an e-magic field." Neither Chen nor Larvoire say anything about any "Ifanew field" or any "e-magic field."

Also, claim 6 recites the operation of "loading fill data into at least one of a SizeOfStackReserve field, a SizeOfStackCommit field, a SizeOfHeapReserve field, a SizeOfHeapCommit field, and a LoaderFlags field." The Office Action asserts that this operation is disclosed in paragraph 0027 of Larvoire. However, that paragraph says nothing about compression data or loading fill data. Moreover, paragraph 0027 does not refer to any fields within a PE module. Instead, it refers to fields within a GUID Partition Table (GPT) Header. Accordingly, the fields referenced in paragraph 0027 are not the same as the fields recited in claim 6. (Compare the information about GPT headers on page 11-9 of the EFI Specification, version 1.10., with the information about COFF headers in (a) Section 2 of the Microsoft Portable Executable and Common Object File Format Specification, Revision 6.0 and (b) the text describing Figure 1 of the present application.)

For at least the foregoing reasons, the Office Action fails to establish a prima facie case of obviousness for any of the claims in the present application. All of the rejections should therefore be withdrawn.

Conclusion

As indicated above, amendment and reconsideration of the present application is respectfully requested.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (512) 732-3927.

Respectfully submitted,

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